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## RESPONSE

### Remark 1:

With all due respect, Applicant respectfully submits that the amendments herein overcome the Examiner's rejections under 35 USC Section 112. In particular, the language which has been determined to be relative or otherwise indefinite has been modified to render the claims specific and definite.

### Remark 2:

With all due respect, Applicant respectfully requests the Examiner withdraw You et al as a prior art reference under both 35 USC Section 102 and 103. You et al. does not teach or anticipate a system for dry-cleaning a textile article comprising a pre-treatment stain formula for pre-treating spots or stains prior to cleaning; absorbent stain removal medium for absorbing the spots or stains partitioned from the article to be cleaned by the pre-treatment stain formula, *the absorbent stain receiving medium selected from materials free of fluorescent whitening agents and other optical brighteners*; activator solution comprising volatile solvent, optional fragrance and the balance water; activator cloth or other substrate with a predetermined volume of the activator solution loaded thereon; and a heat-resistant containment system for containing the textile article to be cleaned and the activator cloth, all within the dryer, whereby the textile article to be cleaned and the activator cloth are maintained in an operative proximity during the process.

### Remark 3

Applicant respectfully submits DECLARATION OF GREGORY VAN BUSKIRK for consideration by the Examiner contemporaneously herewith. As pointed out in the declaration, the present invention claims use of an absorbent stain-receiving medium *which is absent of undesired material or substances that can deposit or migrate to the article being cleaned*. You et al. recognizes that

the stain removal *solution* should avoid materials that leave visible residues (page 19, line 19) yet, in contradiction, You et al. states that the solution can contain FWA, see pg. 23, line 27. Brighteners, also called fluorescent whitening agents (FWAs) are known to cause localized spotting of fabrics when placed in contact with the fabric being treated. In spite of specific references in You et al. and the great trouble expended to discuss that (1) the stain removal solution should avoid staining materials and (2) the cleaning *device* should be brightener-free, You et al. clearly does not recognize that the stain-absorbing medium itself can lead to stain-invoking materials (e.g., FWAs) being leached back onto the fabric.

Addition of optical brighteners is well known in the art of papermaking. The Kirk-Othmer Encyclopedia of Chemical Technology Fourth Edition, Volume 18, page 35 of "Papermaking Additives", identifies "optical brighteners" as common types of papermaking additives. (DECLARATION OF VAN BUSKIRK, Exhibit 1)

Examiner's attention is respectfully directed to the reference in You et al. that "disposable paper towels and cloth towels such as Bounty-brand towels, clean rags, etc. can be used." (Page 29 line 24-25.) Clearly, as such paper and cloth towels routinely contain optical brighteners, let alone rags derived from clothing or linens that undoubtedly have been laundered in the presence of FWA-containing detergents, there is no teaching in You et al. that such materials present on the stain-receiving medium might be deleterious to overall performance.

During about August of 2002, Declarant went to a local grocery store and purchased six different brands of paper towels: Bounty (Procter & Gamble), Brawny (Georgia-Pacific), Green Forest (Fort James), Kleenex Viva (Kimberly-Clark), Scott Towels (Kimberly-Clark), and Value Clean (Albertson's). I also obtained a sample of Wipe Away (Fort James) paper towels. Under ultraviolet illumination, every

one of these towels exhibited varying levels of fluorescence, indicating the presence of FWAs, added either deliberately or through use of recycled stock that contained FWAs. Bounty brand contained the least fluorescence, and the self-identified environmentally-positioned Green Forest contained the most. These brands are widely available, and clearly the inventors of You et al. did not recognize that use of regular paper towels, etc., could lead to brightener spotting.

As further evidence of the proposition that it is well-known that paper towels contain FWAs, one reference on the Internet: <http://home.netcom.com/~egombocz/FAQ.html>, advised against the use of paper towels to clean a sensitive piece of scientific equipment "since most contain fluorescent optical whiteners." (DECLARATION OF VAN BUSKIRK, Exhibit 2)

Lastly, You et al, states "while white is the preferred color" of the stain receiver (see pg. 32, line 17), there is "no other functional limit to the color" (see following lines 18-19). Yet later on (page 43, line 20), the potential of dye transfer is discussed in You et al. with regards to printing that is commonly found on paper toweling. Absent from this teaching is that if the "unlimited" color is not irreversibly bound to the stain receiver, it too can clearly stain the treated fabric as soon as the stain removal solution is communicated between the treated fabric and the stain receiver. This "reverse-leaching" might especially be manifested if either the stain removal solution is applied at such a rate so as to overwhelm the rate of absorbency of the stain-receiving medium, or if application of the stain removal solution exceeds the capacity of the stain-receiver. In any event, You et al. clearly teaches the use of conventional paper-towels which has been discovered, in the present invention, to be disadvantageous.

Notes from the notebook of Helga Snodgrass, another Senior Research Scientist here at The Clorox Company dated April 18, 2000 indicates that use of paper towels in place of stain absorbing pads

may result in "brightener-spotting". This notebook entry is dated April 18, 2000. (DECLARATION OF VAN BUSKIRK, Exhibit 3)

On November 26, 2003, Declarant repeated Ms. Snodgrass' experiments from August, 2002. The following data was collected. First, instrumental readings confirmed the relative order of observable fluorescence under ultraviolet light. Paper towel samples were pre-read with filters to shield the fluorescence, then post-read without filters. The approximate order of fluorescence ( $\Delta W$ ) was as follows:

| <u>Sample</u> | <u><math>\Delta W^*</math></u> |
|---------------|--------------------------------|
| Green Forest  | 4.30                           |
| Brawny        | 3.92                           |
| Wipe-Away     | 1.53                           |
| Viva          | 1.33                           |
| Value Clean   | 1.21                           |
| Scott         | 0.66                           |
| Bounty        | (basis)                        |

\*NOTE: Values normalized to value of  $\Delta W$  for Bounty.

Next, an unbrightened piece of 50% rayon/50% acetate was treated with the inventive Pre-Treatment Solution, treating an approximately 1" diameter area of the fabric, and sequentially using the various paper towels as the Stain Receiving Medium. The treated fabric was left in contact with the Stain Receiving medium for five minutes, after which the fabric was allowed to dry.

The resulting staining due to extracted fluorescent whitening agents was difficult to measure

instrumentally, due to the fact that the fluorescent whitening agents from the paper towels wicked out on the treated fabric, forming a ring of stain. However, under ultraviolet illumination, the ring of fluorescent whitener on the treated fabric was readily visible for every area that had been in contact with the corresponding paper towels.

This is further evidence that use of paper towels or other Stain Receiving Media containing FWAs or other optical brighteners may result in brightener- spotting if used as claimed in the present application.

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## CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

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Respectfully submitted,

Dated: December 15, 2003

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**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner of Patents and Trademarks, Washington, D.C. 20231". Signed: Ray K. Shahani Date Mailed: December 15, 2003